

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	
WALTER RIDLEY	}	
BARBARA RUTH RIDLEY	}	Case No. 3:14-bk-05617
4662 CLARKSVILLE PIKE	}	
NASHVILLE, TN 37218	}	Chapter 13
SSN: xxx-xx-1774	}	
SSN: xxx-xx-7221	}	
	}	Judge Charles M. Walker
Debtors.	}	

**EXPEDITED MOTION TO MODIFY PLAN TO UTILIZE INSURANCE PROCEEDS  
AND REQUEST FOR EXTENSION OF CREDIT**

COME NOW the Debtors, by and through counsel, pursuant to 11 U.S.C. § 363 and would request that the Court enter an order allowing the Debtors to utilize insurance proceeds to use as a down payment for a replacement vehicle and request an extension of credit.

The Debtor's Chapter 13 proceeding was filed on July 15, 2014, and a plan was confirmed on September 08, 2014.

As grounds, the Debtors would state the following:

**I. EXPEDITED RELIEF REQUESTED**

- A. The Debtors' 2002 GMC Sierra was totaled in an auto accident.
- B. The vehicle was insured at the time by Allstate Insurance, which is prepared to issue insurance proceeds in the amount of \$4,106.66.
- C. Electric Service Credit Union holds a lien on the Debtors' 2002 GMC Sierra. The Debtors seek permission to utilize the insurance proceeds to pay off the secured balance of Electric Service Credit Union which according to the records of the Chapter 13 Trustee is \$2,075.70.
- D. Debtor seeks a release of the lien of Electric Service Credit Union on the totaled vehicle as the claim has been paid in full
- E. The Debtors seek permission to utilize the insurance proceeds to use as a down payment for a replacement vehicle free and clear of any liens of Electric Service Credit Union.

- F. The Debtors would also seek permission to obtain an extension of credit to purchase a vehicle. The principal amount of the loan is not to exceed \$12,000.00 at no more than 24% interest with a regular monthly payment not to exceed \$350.00 monthly.
- G. The Debtors' payments shall remain \$1,400.00. An amended family monthly budget is attached hereto.
- H. The Debtors attended the Money Management Workshop at the Chapter 13 Trustee's Office on September 16, 2016.
- I. Flexer Law shall apply for additional fees by separate application to be added to the Debtors' Chapter 13 plan for time expended in connection with this matter.

## **II. REASON FOR EXPEDITED RELIEF**

- J. The Debtors are in need of reliable transportation to ensure that Debtor-Wife can access medical care as she has health issues.

Respectfully submitted,

/s/ James A. Flexer

James A. Flexer, BPR #9447

Attorney for Debtors

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 08, 2016, I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III  
Chapter 13 Trustee  
P.O. Box 340019  
Nashville, TN 37203-0019

Electronic

Sam Crocker, U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville, TN 37203

Electronic

WALTER RIDLEY  
BARBARA RUTH RIDLEY  
4662 CLARKSVILLE PIKE  
NASHVILLE, TN 37218

U.S. Mail First Class

Allstate Insurance  
Attn: Claim Number 0434111852  
3900 N. Causeway Blvd., Ste.  
Metairie, LA 70002

U.S. Mail First Class  
Fax: 877-826-8414

Electric Service Credit Union  
Po Box 24117  
Nashville, TN 37202-4117

U.S. Mail First Class  
Email: fdclaw@bellsouth.net

5 notices have been served. I have mailed 3 notices, and faxed 1 notice.

/s/ James A. Flexer  
James A. Flexer

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: WALTER & BARBARA RIDLEY

CASE NO: 3:14-BK-05617

CHAPTER 13

JUDGE CHARLES M. WALKER

Date of Budget	OLD 7/21/2015	NEW 11/8/2016	INCOME	OLD	NEW
<b>Rent/Mortgage Payment</b>			Debtor's net pay		
<b>UTILITIES</b>			Spouse's net pay		
Electric	\$200.00	\$175.00	Regular Other		
Water	\$65.00	\$65.00	Income From Business		
Heat	\$25.00	\$25.00	Support/Alimony		
Home Phone	\$75.00	\$75.00	Pension		
Home Maintenance			PENSION - H	\$1,768.00	\$1,768.00
Cable/Internet	\$135.00	\$135.00	PENSION - W	\$1,155.00	\$1,155.00
<b>Total Utilities</b>	<b>\$500.00</b>	<b>\$475.00</b>	SOCIAL SECURITY - W	\$1,742.00	\$1,742.00
<b>LIVING EXPENSES</b>			SOCIAL SECURITY - H	\$506.00	\$506.00
Food	\$550.00	\$500.00			
Clothing	\$200.00	\$100.00	<b>TOTAL INCOME</b>	<b>\$5,171.00</b>	<b>\$5,171.00</b>
Laundry and Dry Cleaning			<b>Total Expenses</b>	<b>\$3,771.00</b>	<b>\$3,771.00</b>
Newspapers, Books, etc.	\$49.00	\$24.00			
Medical and Dental	\$350.00	\$350.00	Plan Payment	\$1,400.00	\$1,400.00
Transportation	\$350.00	\$200.00	<b>Total Expenses</b>		
<b>Total Living Expenses</b>	<b>\$1,499.00</b>	<b>\$1,174.00</b>	plus Plan Payment	<b>\$5,171.00</b>	<b>\$5,171.00</b>
<b>INSURANCE</b>					
Auto	\$125.00	\$125.00	Difference:	<b>\$0.00</b>	<b>\$0.00</b>
Life	\$95.00	\$95.00			
Home	\$177.00	\$177.00			
Home & Auto			<b>DEPENDANTS</b>	0	0
<b>Total Insurance Expenses</b>	<b>\$397.00</b>	<b>\$397.00</b>			
<b>OTHER</b>					
HVAC BILL.	\$150.00	\$150.00			
Homeowners Assn Fees			<b>Statement of Impact</b>		
CHARITABLE CONTRIBUTION	\$525.00	\$525.00	Duration of Plan	38	38
Child support			Dividend to U/S	1%	1%
New Car Payment (Ext. of Credit)		\$350.00	plus taxes		plus taxes
HEALTH AIDE FOR WIFE	\$365.00	\$365.00			
Haircuts/toiletries/cleaning s	\$100.00	\$100.00	Change in treatment	NONE	NONE
Pet/vet expense			to Secured Creditors		
Real Estate Taxes	\$135.00	\$135.00			
HOME MAINTENANCE	\$100.00	\$100.00			
<b>Total Other Expenses</b>	<b>\$1,375.00</b>	<b>\$1,725.00</b>			
<b>Total Monthly Expenses</b>	<b>\$3,771.00</b>	<b>\$3,771.00</b>			